

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

8:15-CV-253

vs.

VLADIMIR POLYANSKY, et al.,

JUDGMENT AND DECREE OF
FORECLOSURE AND ORDER OF
SALE

Defendants.

Pursuant to [Fed. R. Civ. P. 55\(b\)](#), the plaintiff has filed a motion for default judgment (filing [21](#)). Pursuant to [Fed. R. Civ. P. 55\(a\)](#), default was entered by the clerk (filing [20](#)) on October 27, 2015 against the defendants: Vladimir V. Polyansky; Svetlana N. Polyansky; Applied Card Systems, Inc.; Igor Stoyan; Yelena Stoyan; Midland Funding, LLC d/b/a Encore Funding, LLC; and Capital One Bank. The Court, having reviewed the pleadings and the plaintiff's evidence, finds that the requirements of [Fed. R. Civ. P. 55\(b\)](#) and [NECivR 55.1](#) have been satisfied, and will grant the plaintiff's motion for default judgment and enter judgment accordingly.

IT IS ORDERED:

1. The plaintiff's motion for default judgment (filing [21](#)) is granted.
2. The plaintiff is entitled to a decree of foreclosure in rem and order of sale.
3. Judgment in rem is entered against the defendants and the real estate which is the subject of this action.
4. The real estate described below will sell to the best advantage in one entire tract.
5. As of November 23, 2015, the Polyanskys owed the plaintiff: \$58,530.42 in principal, \$16,911.64 in fees and other recoverable costs attributed to the account, \$57,338.32 interest credit or subsidy, and \$15,718.95

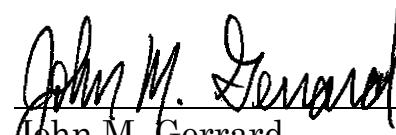
interest, plus interest accruing at the daily rate of 7.5 percent from November 23 until today.

6. Interest will accrue on those sums from and after today at the legal rate provided by [28 U.S.C. § 1961](#) of .36 percent, computed daily and compounded annually, until the sums are paid in full.
7. The amount due to the plaintiff is the first lien on the following described real estate: Lot 7, Wulf's 1st Addition to the Village of Eagle, Cass County, Nebraska.
8. If the costs as indicated below and the amounts found due above, and interest thereon, are not paid within twenty (20) days, all equity of redemption in the real estate will be foreclosed and the real estate sold as upon execution in one entire tract.
9. The plaintiff shall apply for and the clerk of the court shall issue an order of sale.
10. The United States Marshals Service for the District of Nebraska shall advertise and sell the real estate as provided by law.
11. Upon execution, the Marshals Service shall report the proceedings under this judgment to the Court and shall deposit the proceeds of the sale, if any, into the registry of the Court.
12. Upon confirmation of the sale, the clerk shall apply the proceeds: first, to the payment of the plaintiff's costs, and to the Marshals Service for service of summons and complaint and execution of order of sale; second, to the payment of the amount found due to the plaintiff, with interest, as provided by law; and third, to the payment of the costs of the Marshals Service for per diem and special requirements. The clerk shall retain any surplus in the registry of the Court until further order.
13. The costs will be determined, after confirmation of the sale, pursuant to [NECivR 54.1](#).

14. Upon confirmation of the sale by the Court, the Marshals Service shall execute a deed to the purchaser(s), and the parties to this judgment and all persons claiming under it are ordered to deliver possession of the real estate to the purchaser(s).

Dated this 2nd day of December, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge